

Ms. Katherine Benham
USDA-AMS-TMD-NOP
1400 Independence Avenue, SW
Room 4008- South Building
Ag Stop 0268
Washington, DC 20250-0200

Dear Ms. Benham:

MOFGA appreciates the opportunity to comment on some important recommendations that the NOP and NOSB are going to consider at their meeting later this month.

Sunset Review (Federal Register notice of June 17, 2005)

MOFGA understands the OFPA requirement to re-evaluate all substances that appear on the National List. At this time, MOFGA does not support or oppose the removal of any specific substance from the National List. We will make specific comments if such recommendations are considered at later meetings.

MOFGA does want to stress that the process will likely require a great deal of time and well advanced public notification. We hope that the NOP will consider granting an extension. We believe that the re-review process should be as thorough if not more so than the original consideration of each material, and that the NOP and NOSB will provide adequate opportunity for public comment.

MOFGA also urges the NOP and NOSB to consider the revision of annotations to be a valid subject of the sunset clause, without resorting to the cumbersome procedure of removing an item from the List and requiring a new petition. In particular, MOFGA requests that the NOSB reconsider the annotations for aquatic plant products (7 CFR 205.601(j)(1)), fish products (7 CFR 205.601), and humic acid derivatives (7 CFR 205.601(j)) which are ambiguous and missing information. Still, MOFGA wants to stress the importance of annotations that limit the use of a listed material in order that requirements of OFPA that protect the environment and integrity of the product are maintained.

Clarification of the definition of Synthetic

MOFGA supports the clarification of Synthetic being presented by the NOSB Materials Committee and thinks that they did a superb job. While MOFGA accepts the definition of Extraction presented, we want to point out that the use of that term in the marketplace sometimes includes materials that are not what is meant by the NOSB meaning. MOFGA feels that it is important that the NOSB and NOP realize that plants and animals may be chemically changed by something other than the extraction reaction, or may be structurally changed and not undergo any kind of chemical change. For example, aquatic plants can be prepared for use as foliar fertilizer by being dried and crushed, frozen and macerated, or hydrolyzed with synthetic acids or alkalis. These products often

are referred to as "extracts" even though they do not meet the definition of extraction presented in the NOSB Recommendation because they contain chemically changed materials. A clarification will help to better understand what is 'extraction' and therefore recommended to be permitted, and what is not extraction but may be a different kind of chemical change, or 'fortification', and therefore prohibited until reviewed and approved.

Also, MOFGA wants to stress that we believe that blending two allowed materials may cause a reaction that yields a different substance that may be prohibited. These "side reactions" can be used as a loophole to introduce new substances not reviewed or intended to be allowed by the NOSB's recommendation. MOFGA supports a clarification that points out that just because substances appear on the National List it does not imply that any product formulated with those substances is permitted. Application of the guidance will help maintain that clarity.

Compost Recommendation

The Compost Recommendation posted on the NOP website agenda for the August NOSB meeting should not be voted on. We think that the Compost Task Force recommendations, which the NOSB already adopted as their own recommendations in May 2002 and the NOP posted later that summer, should be considered only as reference and should not be debated at this meeting. The USDA has informed the public, including members of Congress, that it is implementing this recommendation and reconsideration at this point could only confuse matters.

Submitted by:

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